

# EXHIBIT B

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THE PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff,

vs.

Case No. 17-004867-01-FC

MARTIN ANTONIO SOLOMON,  
Defendant.

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TRIAL HEARING - JURY SELECTION  
BEFORE THE HONORABLE ULYSSES W. BOYKIN, CIRCUIT COURT JUDGE  
Detroit, Michigan - Wednesday, April 3, 2019

APPEARANCES:

Appearing for People: Mr. Keith G. Clark - P56050  
Wayne County Prosecutor's Office  
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Appearing for Defendant: Mr. Wyatt G. Harris - P54891  
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1                   Was that a threat of force of future danger?

2                   If you believe Mr. Burks', clearly it is okay,  
3                   and it's enough for us if he overcame him by physical  
4                   for force, but here is the important part. It is  
5                   enough force if he threatened to use physical force on  
6                   Johnathan Burks and he believed, the Defendant had the  
7                   ability to carry out those threats. Mr. Burks sat in  
8                   that chair and you saw the expressions on his face.  
9                   You heard how he answered the questions, and you heard  
10                  him say, "I thought he would kill me."

11                  Did he believe that he had the ability to carry  
12                  out those threats?

13                  The evidence says, "yes," if you believe  
14                  Mr. Burks. So, if you don't believe there was  
15                  kidnapping, then you can find him guilty of the lesser  
16                  charge of CSC, third degree on the fellatio.

17                  The next part is finger and anal opening. Now,  
18                  the Judge is going to tell you the first part. We have  
19                  to show there was a sexual act that involved entry into  
20                  his anal opening by Johnathan Burks, meaning he took  
21                  Johnathan Burks hand and put it up his anal opening.  
22                  Again, any entry, no matter how slight is enough. If  
23                  any part of a finger or two goes up in there, that is  
24                  enough for what's considered sexual penetration. It  
25                  doesn't matter whether or not the sexual act was

1 "All I wanted to do was call my dad after the  
2 rape." That's all he wanted to do. Mr. Harris made  
3 light of it.

4 Why do you think, he did that?

5 He didn't know what to do. You heard him  
6 testify. You saw the emotions in his voice. You heard  
7 it. You saw it in his face because that day, on the  
8 24th, Mr. Solomon took something away from him,  
9 something he had never gotten back. Even you see him  
10 on the stand and he reverts. The person that was raped  
11 wasn't the person that's here today, was not the person  
12 that was here last week to testify. It was a different  
13 person. This was the person that was raped that day.  
14 Not the person who stood on the stand, that person  
15 right there. Who Mr. Burks is today, maybe, he  
16 wouldn't have made the same choices that Mr. Burks did,  
17 but he did, and you heard him on that stand and you saw  
18 the effects when he got back in that chair. He turned  
19 right back into that kid, right there. You saw it on  
20 his face. You heard it in his voice, and then for  
21 Mr. Harris to say -- talk about all this stuff, "Well,  
22 you know, he is a thief."

23 What did he tell you?

24 "Yes. You know what? I did write some bad  
25 checks and I took responsibility. I pled and got put

1 the Defendant to the chargeable offenses. An  
2 exculpatory statement means a statement which if true,  
3 would either clear the maker of any guilt or reduce the  
4 maker's level of guilt. The Prosecution has introduced  
5 evidence that the Defendant has tried to manufacture  
6 exculpatory evidence which the Prosecution claims is  
7 false. If true, this can be considered by you as  
8 circumstantial evidence of guilt. Before you may  
9 consider any such evidence against the Defendant, you  
10 must one, determine whether the Defendant created or  
11 manufactured the evidence; two, determine whether or  
12 not the evidence was false exculpatory evidence; three,  
13 determine whether the evidence relates to the elements  
14 of the crime charged. Proof of the manufacture of  
15 false exculpatory evidence may then be used by you to  
16 determine the guilt or innocence of the Defendant to  
17 the charged offenses. Exculpatory evidence means  
18 evidence for which if true, would clear the maker of  
19 any guilt or reduce the maker of any level of guilt.

20 Every person is entitled to protection of the  
21 law regardless of their status at the time.

22 All right. Count 1 is for the offense of  
23 criminal sexual conduct in the first degree, fellatio.  
24 The Defendant is charged with a crime of first degree  
25 criminal sexual conduct. To prove this charge, the

1           Prosecutor must prove each of the following elements  
2           beyond a reasonable doubt.

3                     First, that the Defendant engaged in a sexual  
4           act that involved entry into the Defendant's mouth by  
5           Johnathan Burks' penis. Any entry, no matter how  
6           slight is enough. It does not matter whether the  
7           sexual act was completed or whether the semen was  
8           ejaculated.

9                     Second, that the alleged sexual act occurred  
10          under circumstances that also involved kidnapping. The  
11          elements of kidnapping are first, that the Defendant  
12          knowingly restrained another person. "Restrained"  
13          means to restrict a person's movements or to confine  
14          the person so as to interfere with that person's  
15          liberty without that person's consent or without legal  
16          authority. The restraint does not have to exist for  
17          any particular length of time and may be related or  
18          incidental to the commission of other criminal acts.  
19          Second, when the Defendant did so, he intended to  
20          engage in criminal sexual penetration or criminal  
21          sexual contact with that person.

22                     All right. In Count 1, there is an alternative  
23          charge, what we call a lesser charge and that would be  
24          criminal sexual conduct in the third degree relating to  
25          fellatio. You may also consider whether the Defendant

1 is guilty of a lesser crime known as criminal sexual  
2 conduct, third degree. To prove this charge, the  
3 Prosecutor must prove over each of the following  
4 elements beyond a reasonable doubt.

5 First, that the Defendant engaged in a sexual  
6 act that involved entry into the Defendant's mouth by  
7 Johnathan Burks' penis. In any entry, no matter how  
8 slight is enough. It does not matter whether the  
9 sexual act was completed or semen ejaculated. Second,  
10 that the Defendant used force or coercion to commit the  
11 act. Force or coercion means the Defendant used  
12 physical force or did something to make Johnathan Burks  
13 afraid of present or future danger. It is enough if  
14 the Defendant overcame Johnathan Burks by physical  
15 force. It is enough force if the Defendant threatened  
16 to use physical force on Johnathan Burks or Johnathan  
17 Burks believed that he had the ability to carry out  
18 those threats. It is enough force if the Defendant  
19 used force to use the victim to submit to the sexual  
20 acts or to seize control of the victim in a manner  
21 facilitating the sexual acts without regard to the  
22 victim's wishes.

23 Count 2 is also for criminal sexual conduct  
24 in the first degree, finger in anal opening. The  
25 Defendant was charged with the crime of first degree